

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1631  
**SPONSOR(S):** Weatherford  
**TIED BILLS:**

Lake Padgett Estates Independent Special District, Pasco County

**IDEN./SIM. BILLS:** SB 2784

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Military & Local Affairs Policy Committee	13 Y, 0 N	Tait	Hoagland
2)				
3)				
4)				
5)				

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**SUMMARY ANALYSIS**

The Lake Padgett Independent Special District (District) was created in 2006, as chapter 2006-317, Laws of Florida. It is a limited single-purpose local government and independent special district whose jurisdictional boundaries are located within Pasco County. The District was created for the purpose of maintaining, operating, and improving recreational amenities and associated infrastructure in the area. The District has the authority to provide for and fund: recreational amenities, including the operation, maintenance, and improvement of the amenities and associated infrastructure.

The bill corrects errors the original surveyor made in the boundary description. The proposed alterations of the District's boundaries do not impact any individuals, as the property appraiser's office had previously corrected the legal description. The boundary correction removes several lots that were inadvertently included and adds one parcel that was inadvertently excluded from the District. The owner of the lot added to the District has paid the assessment for the District since its inception.

The bill takes effect upon becoming a law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

The Lake Padgett Independent Special District (District) was created in 2006, as chapter 2006-317, Laws of Florida. It is a limited single-purpose local government and independent special district whose jurisdictional boundaries are located within Pasco County. The District was created for the purpose of maintaining, operating, and improving recreational amenities and associated infrastructure in the area. The District has the authority to provide for and fund: recreational amenities, including the operation, maintenance, and improvement of the amenities and associated infrastructure.

##### Board of Supervisors

The District is governed by a Board of Supervisors (Board) consisting of 5 members, who must be residents of the state and citizens of the United States. Initial Board members were the Pasco County Board of Commissioners until the succeeding board of supervisors was elected at the general election in November 2006.

##### General Powers

The District has general powers consistent with those granted to community development districts under s. 190.011, F.S., where not inconsistent with the following:

- To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts are subject to public bidding or competitive negotiation requirements pursuant to general law.
- To maintain an office at such place or places as the board of supervisors designates in Pasco County, and within the District when facilities are available.
- To borrow money and issue certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such taxes and assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.
- To determine, order, levy, impose, collect, and enforce assessments pursuant to this bill and ch. 170, F.S., pursuant to authority granted in s. 197.3631, F.S., or pursuant to other provisions of general law now or hereinafter enacted which provide or authorize a supplemental means to order, levy, impose, or collect special assessments. Such special assessments, in the discretion of the District, may be collected and enforced pursuant to the provisions of ss. 197.3632 and

197.3635, F.S., and chs. 170 and 173, F.S., or as provided by this bill, or by other means authorized by general law now or hereinafter enacted.

- To exercise special powers and other express powers as may be authorized and granted, including powers provided in any interlocal agreement entered into pursuant to ch. 163, F.S.

The District does not have the power of eminent domain.

### Special Powers

The District has the authority to exercise the following “special powers” subject to, and not inconsistent with, the regulatory jurisdiction and permitting authority of all other applicable governmental bodies, agencies, and any special districts having authority with respect to any area included therein:

- To provide district parks and open space and the continued maintenance, operation, and improvement thereof. This special power includes, but is not limited to, passive and active recreational areas, lakes, and canals, containing picnic shelters, boat ramps and docks, volleyball, basketball, tennis, horseshoe, and shuffleboard courts, playgrounds and open space, wildlife habitat, including the maintenance of any plant or animal species, mitigation areas, landscaping and irrigation, bicycle lanes, jogging paths, riding trails, regulatory or informational signage, and all other customary elements of such park and open-space areas and any related interest in real or personal property.
- To provide buildings, structures, and like improvements and the continued maintenance, operation, and improvement thereof. This special power includes, but is not limited to, bathroom facilities, maintenance buildings, lighting and security facilities such as walls and guardhouses, parking areas, wildlife observation towers, stables, and stormwater facilities necessary and incidental to the recreational amenities, and associated infrastructure or any other project authorized or granted by this act.
- To establish and create, at noticed meetings, such governmental departments of the Board of Supervisors of the District, as well as committees, task forces, boards, or commissions, or other agencies under the supervision and control of the District, as from time to time the members of the Board may deem necessary or desirable in the performance of the acts or other things necessary to exercise the Board's general or special powers to implement an innovative project to carry out the special purpose of the District as provided in this bill and to delegate the exercise of its powers to such departments, boards, task forces, committees, or other agencies and such administrative duties and other powers as the Board may deem necessary or desirable but only if there is a set of expressed limitations for accountability, notice, and periodic written reporting to the Board that must retain the powers of the Board.

The enumeration of special powers is not exclusive or restrictive but incorporates all powers express or implied necessary or incident to carrying out such enumerated special powers, including also the general powers provided by this bill to implement the District’s single purpose. Further, these special powers must be construed liberally in order to carry out effectively the special purpose of the District.

### Modification of District Boundaries

The charter of the District, as created in chapter 2006-317, may only be amended by special act of the Legislature. The Board may ask the Legislature through its local legislative delegation in Pasco County to amend the charter to expand or to contract the boundaries of the District. The inclusion of any or all territory of the District within a municipality does not change, alter, or affect the boundary, territory, existence, or jurisdiction of the District.

### **Proposed Changes**

The bill provides corrections to the legal description of the Lake Padgett Estates Independent Special District. According to the District, the original surveyor made an error in the original boundary description, and the proposed changes correct the boundary description. The proposed alterations of the District’s boundaries do not impact any individuals, as the property appraiser’s office had previously

corrected the legal description. The boundary correction removes several lots that were inadvertently included and adds one parcel that was inadvertently excluded from the District. The owner of the lot added to the District has paid the assessment for the District since its inception.<sup>1</sup>

The bill takes effect upon becoming a law.

**B. SECTION DIRECTORY:**

**Section 1:** Amends Section 3 of chapter 2006-317, Laws of Florida, relating to the legal description of the Lake Padgett Estates Independent Special District.

**Section 2:** Provides an effective date of upon becoming a law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 10, 2010

WHERE? *The Tampa Tribune*, a daily paper of general circulation published in Tampa, Hillsborough County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

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<sup>1</sup> Information obtained from e-mails from the Assistant District Manager to legislative staff and from phone calls and e-mails with the District Manager and committee staff.